

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BECTON, DICKINSON AND COMPANY,)	
GENEOHM SCIENCES CANADA, INC.)	
and HANDYLAB, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 19-1126 (LPS)
)	
NEUMODX MOLECULAR, INC., QIAGEN)	
GMBH, QIAGEN NORTH AMERICAN)	
HOLDINGS, INC., SUNDARESH)	
BRAHMASANDRA, and JEFFREY)	
WILLIAMS,)	
)	
)	
Defendants.)	

**STIPULATION RELATING TO PLAINTIFFS' COUNTERCLAIMS-IN-REPLY AND
DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE 12(B)(3)
FOR LACK OF VENUE**

Whereas, Plaintiffs filed an Answer And/Or Reply To Defendants' Counterclaims And Counterclaims-In-Reply (D.I. 209);

Whereas, Defendants Jeffrey Williams and Sundaresh Brahmasandra filed a Motion To Dismiss Pursuant To Rule 12(b)(3) For Lack Of Venue ("Motion to Dismiss for Lack of Venue") (D.I. 237);

Whereas, in the interest of compromise, aiding judicial efficiency and economy, and narrowing the issues for the Court, the parties have agreed to resolve the pending motion referenced above, on the terms set forth below.

Wherefore, it is stipulated and agreed by the parties, subject to the approval of the Court:

1. Plaintiffs agree to dismiss without prejudice individual defendants Williams and Brahmasandra.
2. Williams and Brahmasandra shall not argue in this or any subsequent action or

proceeding, if any, that any claims asserted against them in this action were compulsory and/or that they are later barred by res judicata and/or claim preclusion on the basis of any argument relating to compulsoriness. The running of any statute of limitations, laches, or any other defense based on the lapse of time in any action or proceeding brought by any of Plaintiffs against Williams and/or Brahmasandra shall be interrupted, suspended, and deemed to have been tolled during the period after Plaintiffs' filing of their Answer And/Or Reply To Defendants' Counterclaims And Counterclaims-In-Reply (D.I. 209) through any settlement or final judgment in this action ("Final Judgment"). However, Williams and Brahmasandra are not precluded from asserting a statute of limitations, laches, estoppel and/or any other defense based on or related to the timing of the suit and/or the passage of time, except that, in connection with any such defense(s), the time period for calculating it shall not include the period from the date of filing the Counterclaims-In-Reply (D.I. 209) through the date of Final Judgment. Plaintiffs shall not later seek to join Williams and/or Brahmasandra to this case absent good cause and compliance with Federal Rules of Civil Procedure 15 and 16. However, if good cause is met, Williams and Brahmasandra consent to jurisdiction and venue in the District of Delaware solely for the purposes of this case.

3. Williams and Brahmasandra agree that they will exercise reasonable efforts to cooperate with NeuMoDx in the collection of relevant documents, materials and/or information in their possession, custody, or control in response to Plaintiffs' written and/or document requests, and will give deposition testimony and trial testimony in this lawsuit, if requested by a party.

4. Plaintiffs shall not oppose Williams's and Brahmasandra's request, if any, to participate in any Court-ordered mediation in connection with this case.

5. Contingent upon approval of this stipulation by the Court, the parties shall

promptly execute and file the attached stipulated dismissal, Exhibit 1, dismissing Williams and Brahmasandra from this case without prejudice and withdrawing the pending motion referenced above.

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July 9, 2021

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*Attorneys for Defendants Sundaresh
Brahmasandra and Jeffrey Williams.*

IT IS SO ORDERED this _____ day of July, 2021.

The Honorable Leonard P. Stark

EXHIBIT 1

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HOLDINGS, INC., SUNDARESH)	
BRAHMASANDRA, and JEFFREY)	
WILLIAMS,)	
)	
)	
Defendants.)	

**STIPULATION DISMISSING
SUNDARESH BRAHMASANDRA
AND JEFFREY WILLIAMS**

Whereas, Plaintiffs and Defendants collectively submit that this stipulation serves the interest of judicial efficiencies and economies by, among other things, dismissing Jeffrey Williams and Sundaresb Brahmasandra from this action without prejudice and resolving certain pending motions.

Wherefore, the parties stipulate and agree as follows:

1. Pursuant to the parties' Stipulation Relating to Plaintiffs' Counterclaims-in-Reply and Defendants' Motion to Dismiss Pursuant to Rule 12(b)(3) for Lack of Venue, Defendants Williams and Brahmasandra withdraw their motion and it is hereby withdrawn.
2. Jeffrey Williams and Sundaresb Brahmasandra are hereby dismissed from this case without prejudice. The caption for the case shall be revised accordingly.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

FARNAN LLP

/s/

/s/

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Inc., Qiagen GmbH, Qiagen North American
Holdings, Inc., Sundaresh Brahmasandra, and
Jeffrey Williams.*

July __, 2021